

Ms. Kim
Cotto
April 15, 2003
California Department of Water Resources
1416 Ninth Street, Room 1115-16
P.O. Box 942836
Sacramento, CA 94236-0001

Via E-Mail

Re: Request for Investigation by Bob Baiocchi, The Baiocchi Family;
Final NEPA Scoping Document 1 and CEQA Notice of Preparation, Oroville
Facilities Relicensing; FERC no. 2100

Ms. Cotto:

I am writing you because you are handling the written scoping comments
for DWR's scoping document #2.

I just received a copy of the Final NEPA Scoping Document 1 and CEQA
Notice of Preparation, Oroville Facilities Relicensing; FERC No. 2100.
The document is dated September 20, 2002. A review of the document
shows the Department of Water Resources did not answer the extensive
written comments by the Baiocchi Family et al.

On July 16, 2001 I submitted written comments for the Baiocchi Family
et al. regarding said scoping document #1. A copy of the written
comments was forwarded to Mr. Rick Ramirez, Responsible Agent for the
Department of Water Resources. I also provided Mr. James Fargo of the
Federal Energy Regulatory Commission with a copy of the comments by
first class mail, including other representatives of state and federal
agencies such as the U.S. National Marine Fisheries Service; California
Department of Fish and Game; U.S. Fish and Wildlife Service; and other
parties. Please see attachment.

Sometime after I mailed said written comments for said scoping #1 to
all of the parties on the Service List, I received a telephone call
from an attorney from the Department of Water Resources. He advised me
he wanted to meet with me and discuss many of the issues in the written
comments I prepared for the Baiocchi Family et al. for the scoping
document #1. He never called me and arranged for a meeting with me
following his first call to me.

I am requesting the final scoping document #1 is amended to include
answers to the many issues that were raised by the Baiocchi Family et
al. in said written comments. I would also appreciate an explanation
why comments by the CDWR for the written comments submitted by the
Baiocchi Family et al. were not included in the final scoping document
#1.

A written response is appreciated. If there are any questions I can be
reached at 530-836-1115. Thank you for your interest in this serious
matter.

Respectfully Submitted

Signed by Bob Baiocchi

Bob Baiocchi, Consultant
For: The Baiocchi Family
P.O. Box 1790
Graeagle, CA 96103

Cc: Wade Hough, Butte Sailing Club
Mike Kelley, Butte County Citizens for Fair Government
Joel Baiocchi. Attorney for Baiocchi Family
Interested Parties

Attachment

State of California

**Before the Federal Energy Regulatory Commission
And
California Department of Water Resources**

Oroville Facilities – California State Water Project – FERC Project No. 2100 et al.

California Department of Water Resources, Licensee

Lake Oroville (aka Oroville Reservoir and Dam) – Edward Hyatt Power Plant – Thermalito Diversion Dam Powerplant – Thermalito Pumping-Generating Plant – Thermalito Diversion Dam – Feather River Salmon and Steelhead Fish Hatchery – Fish Barrier Dam – Thermalito Forebay and Dam – Thermalito Afterbay Reservoir, Outlet and Dam – Oroville Wildlife Area - State Water Pumps (South Delta) – Lake Davis – French Reservoir, et al. (32 Storage Facilities, Reservoirs and Lakes; 17 Pumping Plants; 3 Pumping-Generating Plants; 5 Hydroelectric Power Plants; and 660 Miles of Open Canals and Pipelines)

North Fork Feather River Watershed, Wild and Scenic Middle Fork Feather River Watershed, South Fork Feather River Watershed, West Branch Feather River Watershed, Main Stem Feather River Watershed, Lake Oroville, Sacramento River Watershed, and State Water Project Pumps in the South Delta – Bay Delta Estuary thence Pacific Ocean

State of California

In the Matter of National Environmental Policy Act Scoping Document 1 and California Environmental Quality Act and Guidelines Notice of Preparation - Oroville Facilities Relicensing – FERC Project No. 2100, et al.

Written Comments by the Northern California Council Federation of Fly Fishers, Fall River Wild Trout Foundation and the Baiocchi Family

The following are the written comments of the Northern California Council Federation of Fly Fishers, Fall River Wild Trout Foundation and the Baiocchi Family regarding the Scoping Document 1 (SDI) and Notice of Preparation (NOP) pursuant to the public notice of June 11, 2001 issued by the California Department of Water Resources for the relicensing of the Feather River Project FERC No. 2100.

Standing – Northern California Council Federation of Fly Fishers

The Federation of Fly Fishers is a statewide, national, and international organization. The Northern California Council Federation of Fly Fishers is located in northern California. The Northern California Council Federation of Fly Fishers represents about 30 organizations and about 3,000 fly fishers (anglers). Members of the Northern California

Council Federation of Fly Fishers (hereinafter known as “NCCFFF et al.”) recreate in the Feather River Watershed for the purposes of fishing and other public recreational opportunities. The NCCFFF share the ownership of the public trust resources of the Feather River Watershed with other members of the public who own the public trust resources of the Feather River Watershed. In California the public own the public trust resources of the North Fork Feather River Watershed. The agent for the NCCFFF is: Bob Baiocchi, Consultant, P.O. Box 1790, Graeagle, CA 96103.

Standing - The Fall River Wild Trout Foundation

Members of the Fall River Wild Trout Foundation (hereinafter known as “The NCCFFF et al.”) recreate in the Feather River Watershed for the purposes of fishing and other public recreational opportunities. The Fall River Wild Trout Foundation share the ownership of the public trust resources of the Feather River Watershed with other members of the public who own the public trust resources of the North Fork Feather River Watershed. The agent for the Fall River Wild Trout Foundation is: Bob Baiocchi, Consultant, P.O. Box 1790, Graeagle, CA 96103.

Standing – The Baiocchi Family

The Baiocchi Family (hereinafter known as “The NCCFFF et al.”) have been recreating in the Feather River Watershed for well over 60 years for the purposes of fishing the waters of the river and its tributaries for wild trout as well as planted trout, salmon, steelhead, and other recreational purposes. The Baiocchi Family share the ownership of the public trust resources of the Feather River Watershed with other members of the public who own the public trust resources of the North Fork Feather River Watershed. In California the public own the public trust resources of the North Fork Feather River Watershed. The agent for the Fall River Wild Trout Foundation is: Bob Baiocchi, Consultant, P.O. Box 1790, Graeagle, CA 96103.

Standing – California Department of Water Resources

The California Department of Water Resources (CDWR) is the owner and operator of the Oroville Facilities, a multi water supply, flood control, power generation, recreation, fish and wildlife protection, and salinity control project. The CDWR is the licensee of a federal license issued by the Federal Energy Regulatory Commission (FERC) for the Oroville Facilities (aka State Water Project). CDWR is a state agency and is conducting the people’s business in this relicensing process. The CDWR acts on behalf of the people of the State of California who are the true owners of the Oroville Facilities. The CDWR is required by the laws of the State of California to comply with the provisions of the California Environmental Quality Act and its Guidelines in these proceedings, as well as complying with other State of California statutes and regulations. The agent for the CDWR in this matter is: Mr. Rick Ramirez, California Department of Water Resources, Executive Division, 1416 Ninth Street, P.O. Box 942836, Sacramento, CA 94236-0001.

Standing – Federal Energy Regulatory Commission

FERC issues federal licenses for the purpose of producing power generation throughout the United States in conjunction with protecting the human environments affected by the hydropower projects. FERC has the duty and responsibility to comply with state and federal statutes and regulations when issuing federal licenses in conjunction with protecting the human environments affected by hydropower projects. FERC has a duty and responsibility to comply with the provisions of the National Environmental Policy Act, and other federal statutes and regulations such as the provisions of the federal Endangered Species Act. The agent for FERC in this matter is: Mr. James Fargo, Staff, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

NEPA Scoping Document and CEQA Notice of Preparation – Notice of June 11, 2001 by the CDWR

The Scoping Document 1 and the Notice of Preparation were noticed by CDWR on June 11, 2001 to parties on its service list and not necessarily to the general public. The Scoping Document 1 is required to be in full compliance with the provisions of the National Environmental Policy Act, and the Notice of Preparation is required to be in full compliance with the California Environmental Quality Act and its Guidelines.

Public Review and Participation Mandated by CEQA Guidelines

Public participation is an essential part of the CEQA process. Public comments are an integral part of the draft and final EIR process. The courts have articulated, and the CEQA Guidelines have restated, six separate policy grounds justifying the requirement that lead agencies must seek and respond to public comments such as: (1) sharing expertise; (2) disclosing agency analysis; (3) checking for accuracy; (4) detecting omissions; (5) discovering public concerns; and (6) soliciting counterproposals.

CDWR has a duty and responsibility to comply with the CEQA Guidelines. The NCCFFF et al. formally request that CDWR comply fully with CEQA and its Guidelines and provide for full public review, full public participation, and full public disclosure in the proposed CEQA and NEPA process for the relicensing of the whole project.

Project Location

The Oroville Facilities (aka State Water Project – aka Oroville Facility of the State Water Project) are partly located in Butte County, at Oroville California. Other portions of the Oroville Facilities (aka State Water Project) are located in Plumas County (Lake Davis and Frenchman Reservoir) and also in the South Delta (State Pumps – California Aqueduct) of the San Francisco Bay Delta Estuary.

The “Project Location” as shown in the CEQA Notice of Preparation and NEPA Scoping Document 1 is grossly deficient without adequate public disclosure and the correct locations of the whole project.

Project Description

The Oroville Facilities of the State Water Project includes the following: Lake Oroville (aka Oroville Reservoir); Oroville Dam; Hyatt Power Plant (aka Hyatt Powerhouses); Thermalito Diversion Dam; Thermalito Power Canal; Thermalito Forebay Reservoir; Thermalito Pumping – Generating Plant; Thermalito Afterbay Reservoir; Thermalito Afterbay Pumps; Fish Barrier Dam; Feather River Salmon and Steelhead Fish Hatchery; Oroville Wildlife Area; Public Recreation Areas in the Oroville Area; Lake Davis; Frenchman Reservoir; Harvey Banks State Pumps; California Aqueduct; et al.

The SD1 and NOP failed to disclose and describe under “Project Description” the following portion of the whole project:

Harvey Banks State Pumps (aka State Pumps – California State Water Project) –

The State Pumps in the South Delta is part of the whole project. Water stored at Oroville Reservoir and diverted downstream using the Feather River, Sacramento River, and the Bay Delta Estuary as a conveyance system for project uses south of the Delta is rediverted at the State Pumps in the South Delta for uses via the California Aqueduct. The State Pumps is also licensed with FERC. The cumulative effects to spring-run juvenile chinook salmon species, winter-run juvenile chinook salmon species, fall-run juvenile chinook salmon species, late fall-run juvenile chinook salmon species, steelhead trout species, striped bass, American shad, and other fish species resulting from the project water being stored at the Oroville Reservoir and rediverted at the State Pumps must be disclosed, evaluated and mitigated in the CEQA and NEPA documents for the whole project.

California Aqueduct – The California Aqueduct is part of the whole project. Project water stored at Oroville Reservoir and rediverted in the South Delta at the State Pumps into the California Aqueduct entrains fish species. The cumulative effects to fish species entrained in the California Aqueduct for project uses must be disclosed, evaluated and mitigated in the CEQA and NEPA documents for the whole project.

Oroville Wildlife Area – The Oroville Wildlife Area is part of the whole project. The cumulative effects to the environment of the Oroville Wildlife Area as a result of the management of the wildlife area must be disclosed, evaluated, and mitigated in the CEQA and NEPA documents for the whole project.

Lake Davis – Lake Davis is part of the whole project. The cumulative effects to the environment of Oroville Reservoir resulting from Northern Pike being discharged into Oroville Reservoir from Lake Davis and the resulting cumulative effects to the anadromous fisheries (listed species – non listed species – native and non-native fish) in the Feather River, Sacramento River, and the Bay Delta Estuary must be disclosed, evaluated and mitigated in the CEQA and NEPA documents for the whole project.

Frenchman Reservoir – Frenchman Reservoir is part of the whole project. The cumulative effects to the environment of Frenchman Reservoir as a result of the management of the reservoir by the CDWR must be disclosed, evaluated and mitigated in the CEQA and NEPA documents for the whole project.

Amend the SC1 and NOP to include the above facilities that are part of the whole project, and disclose, evaluate, and mitigate the cumulative effects to the environments as a result of the whole project.

State Water Project – The Whole Project

The State Water Project (Oroville Facilities et al.) is a water storage and delivery system of reservoirs, aqueducts, power plants and pumping plants. The Project main purpose is to store water and distribute it to 29 urban and agricultural water supplies in North California, the San Francisco Bay Area, the San Joaquin Valley, and Southern California. The whole project includes 32 storage facilities, reservoirs and lakes; 17 pumping plants; 3 pumping-generating plants; 5 hydroelectric power plants and about 660 miles of open canals and pipelines.

In 1960, California voters approved the 1.75 billion dollar bond issue to begin building the State Water Project (The Whole Project). The Project was designed and constructed by the CDWR, a state agency. In 1961, construction began on Oroville Dam, the key storage facility located in the Feather River watershed. By 1973, the initial facilities were completed and water delivery to southern California began.

Cumulative Effects Must Be Disclosed and Evaluated by the CDWR and FERC in the CEQA and NEPA Environmental Process for this Relicensing Proceeding

The duty to evaluate adverse cumulative environmental effects does not depend upon a showing by the public that there will be cumulative effects. The CDWR and FERC must present substantial evidence in the public record from which a reasoned conclusion may be reached that there will not be significant adverse cumulative impacts.

The burden is not shifted at the administrative level to those challenging a decision to present evidence of adverse cumulative impacts. The failure to assemble adequate information for a meaningful environmental review cannot be used to justify a finding of no significant effect. Otherwise the CDWR and FERC would be allowed to avoid an attack on the adequacy of the information simply by not requiring the submission of such information.

NCCFFF et al. believe that the proposed NEPA and CEQA documents must disclose and discuss cumulative impacts when they are significant. Cumulative impacts are two or individual effects which, when considered together, are considerable or which compound or increase other environmental effects. The cumulative impacts from the whole Oroville Facilities (State Water Project) is the change in the environment which results from the incremental impact of the project when added to the closely related past, present, and

reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

A legally adequate “cumulative impact analysis” is an analysis of a particular project viewed over time and in conjunction with other related past, present, and reasonably foreseeable probable projects whose impacts might compound or interrelate with those of the project at hand. Such an analysis assesses cumulative damage as a whole greater than the sum of its parts. Such an analysis is necessary because the full environmental impact of a proposed action cannot be gauged in a vacuum. The CDWR and FERC should not treat this project as an isolated “single shot” venture in the face of persuasive evidence that it is but one of major similar operations connected to the whole project. To ignore the prospective cumulative harm under such circumstances could be to risk ecological disaster.

Unless cumulative impacts resulting from the whole project are analyzed, the CDWR and FERC tend to commit resources to a course of action before they understand its long-term impacts.

The purpose of the cumulative impact analysis is obvious. The consideration of the cumulative effects of the Oroville Facilities in the Oroville Area solely as if no other parts of the whole project existed would encourage piecemeal approval of the project that taken together, could overwhelm the natural environment of the Feather River Watershed and the Bay Delta Estuary and disastrously overburden the human environment of the river and the Bay Delta. This would effectively defeat CEQA mandate to review the actual cumulative effects of the whole project.

The requirements of CEQA for a cumulative effects analysis must be interpreted so as to afford the fullest possible protection of the environment within the reasonable scope of the statutory and regulatory language.

It is vitally important that the proposed CEQA document avoid minimizing the cumulative impacts resulting from the whole project. Rather, the CEQA documents must reflect a conscientious effort by CDWR to provide the general public with adequate and relevant detailed information about the cumulative impacts. A cumulative impact analysis, which understates information concerning the severity and significance of cumulative impacts, impedes meaningful public discussion and skews the decision maker’s perspective concerning the environmental consequences of a proposed action.

An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decision makers, such as the CDWR and FERC, have in fact fully analyzed and considered the environmental consequences of their actions resulting from the whole project.

Consequently, the proposed CEQA and NEPA documents must include a cumulative effects analysis of the whole project with meaningful mitigation measures.

Joint Federal and State Environmental Document – Joint Environmental Impact Statement/ Environmental Impact Report Formally Requested by NCCFFF et al.

The on-going relicensing process for the Oroville Facilities (State Water Project) is by far the most significant relicensing project before FERC and the most significant relicensing process in the State of California. The operation of the whole project since the whole project was constructed and licensed with FERC caused adverse cumulative environmental effects to the people's public trust resources and assets of the Bay Delta Estuary. The operation of the whole project since the whole project was constructed and licensed with FERC caused adverse cumulative environmental effects to juvenile chinook salmon species (federally listed and non-listed), and other fish species at the State Pumps. The whole project as it is operated and managed by CDWR has environmentally changed and altered flows in the Bay Delta Estuary as well as changed and altered flows in the Feather River and the Sacramento River. The whole project as it is operated and managed by CDWR has environmentally changed and altered cumulatively the people's water flowing into the Bay Delta Estuary and has cumulatively affected the anadromous fisheries migrating through the Bay Delta Estuary. Also, the Oroville Facilities portion of the whole project is highly controversial among the general public in the local area of the greater Oroville Area.

As clear as church bells ringing at high noon at Florence Italy, the CDWR and FERC must prepare a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) of the whole project with full public participation and full public disclosure because of the significant direct and adverse cumulative effects to the people's environment and the people's public trust resources and assets caused by the whole project. Because the management and operation of the whole project by CDWR is highly controversial among the general public, there must be a joint EIR/EIS prepared by CDWR and FERC without question. We reference CEQA and its Guidelines.

Feather River Threatened Spring-Run Chinook Salmon Species and Their Habitat

The Feather River below Oroville Dam (Fish Barrier Dam) sustains threatened spring-run chinook salmon species and their habitat. Feather River threatened spring-run chinook salmon species have been listed for protection under the provisions of the federal Endangered Species Act. The State Pumps caused cumulative adverse effects to juvenile spring-run chinook salmon species, as well as adverse cumulative effects to federally protected and listed winter-run juvenile chinook salmon species. Both CDWR and FERC are required to comply with the provisions of the federal Endangered Species Act and to prevent the taking of spring-run chinook salmon species.

Feather River threatened adult spring-run chinook salmon species migrate into the Feather River in the spring of year. It is likely the principle adult spring-run holding water and area is directly below the Fish Barrier Dam to the Highway 70 Bridge. However, some spring-run adults may also be holding above and below the Thermaito Afterbay Outlet. Feather River threatened adult spring-run chinook salmon species migrate into the Feather River Salmon and Steelhead Fish Hatchery for artificial

spawning of the adult salmon and also artificial rearing for fry and yearling salmon in runways at the hatchery. The Feather River Salmon and Steelhead Fish Hatchery did not mitigate for the pre-project spring-run chinook salmon runs in the Feather River watershed above Oroville Dam. The pre-project spring-run chinook salmon runs averaged about 5,000 fish and that estimate may be conservative and low.

Feather River threatened spring-run chinook salmon adult species need adequate daily water temperatures during their holding period in the Feather River to keep this listed species of chinook salmon in good condition at all times as required by California Fish and Game Code 5937.

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document the direct and cumulative effects to Feather River spring-run chinook salmon species (all life stages) resulting from daily water temperatures caused by the operation of the project for this federally listed species of salmon directly below the Fish Barrier Dam; between the Highway 70 Bridge to directly above the Thermalito Afterbay Outlet; and below the Thermalito Afterbay Outlet to the Gridley area.

Feather River threatened adult spring-run chinook salmon species that migrate into the Feather River Salmon and Steelhead Fish Hatchery for spawning and rearing purposes also need adequate daily water temperatures at the hatchery to keep this federally listed species of chinook salmon (all life stages during hatchery conditions) in good condition at all times.

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document the direct effects to Feather River spring-run chinook salmon species resulting from daily water temperatures at the Feather River Salmon and Steelhead Fish Hatchery for this federally listed species of salmon.

Disclose in the proposed CEQA/NEPA the daily water temperature requirement to keep spring-run chinook salmon adult species in good condition at all times at the Feather River Salmon and Steelhead Fish Hatchery.

Threatened Steelhead Trout Species and Their Habitat

The Feather River below Oroville Dam (Fish Barrier Dam) sustains steelhead trout species and their habitat. Feather River threatened steelhead trout species have been listed for protection under the provisions of the federal Endangered Species Act. The State Pumps most likely caused adverse cumulative effects to juvenile and adult steelhead trout species. Both CDWR and FERC are required to comply with the provisions of the federal Endangered Species Act and to prevent the taking of steelhead trout species.

Feather River threatened steelhead trout species migrate into the Feather River annually. The original fall run of Feather River steelhead trout were extinguished by the California Department of Fish and Game because of claimed effects to fall-run chinook salmon species (eggs). The California Department of Fish and Game introduced a foreign winter-

run steelhead trout species into the Feather River. The winter-run steelhead trout species migrate to the Feather River Salmon and Steelhead Fish Hatchery for spawning and rearing purposes. Some adult winter-run may exist in the Feather River below the Fish Barrier Dam and may not migrate to the hatchery. It is most likely that the original gene pool of Feather River fall-run steelhead trout species still exist as resident rainbow trout in the North Fork Feather River, South Fork Feather River, Wild and Scenic Middle Fork Feather River, West Branch Feather River, and also small tributaries that flow into Oroville Reservoir as well as tributaries to the North Fork Feather River, South Fork Feather River, Wild and Scenic Middle Fork Feather River and the West Branch Feather River. Never the less, the provisions of the federal Endangered Species Act now protect the Feather River threatened winter-run steelhead trout species and their habitat.

Disclose and evaluate in the proposed CEQA/NEPA document whether the original gene pool of the Feather River fall-run steelhead trout can be reintroduced into the Feather River below the Fish Barrier Dam.

Feather River threatened steelhead trout species in the river need adequate daily water temperatures to keep this listed species of steelhead trout in good condition at all times as required by California Fish and Game Code 5937.

Disclose in the proposed CEQA/NEPA the daily water temperature requirement to keep steelhead trout species in good condition at all times in the Feather River below the Fish Barrier Dam to the Highway 70 Bridge; between the Highway 70 Bridge to directly above the Thermalito Afterbay Outlet; and between the Thermalito Afterbay Outlet to Gridley area.

Disclose in the proposed CEQA/NEPA the daily water temperature requirement to keep steelhead trout species in good condition at all times at the Feather River Salmon and Steelhead Fish Hatchery.

U.S. National Marine Fisheries Service Authority, Duty and Responsibility

As stated beforehand, the CDWR and FERC have a duty and responsibility to comply with the provisions of the federal Endangered Species Act. The U.S. National Marine Fisheries Service has a duty and responsibility to protect threatened and endangered anadromous fish species affected by federal actions under the provisions of the federal Endangered Species Act.

As stated beforehand, the Feather River sustains federally listed threatened spring-run chinook salmon species and their habitat, and also federally listed threatened steelhead trout species and their habitat. The provisions of the federal Endangered Species Act protect these listed threatened species and their habitat. Also, the Oroville Facilities et al. (State Water Project) is licensed with FERC, a federal agency.

The NCCFFF et al. believe the U.S. National Marine Fisheries Service must prepare a Biological Assessment and also must prepare a Biological Opinion regarding the protection measures necessary and needed to protect federally listed Feather River threatened spring-run chinook salmon species and their habitat, and also to protect federally listed Feather River threatened steelhead trout species and their habitat resulting from the whole project.

The USNMFS Biological Assessment must be included in the proposed CEQA/NEPA document. The USNMFS Biological Opinion must also be included in the proposed CEQA/NEPA document for the relicensing of the whole project.

Fall- Run Chinook Salmon Species and their Habitat

The Feather River sustains fall-run chinook salmon species and their habitat. Feather River fall-run chinook salmon have not yet been listed for protection under the provisions of the federal Endangered Species Act. Feather River fall-run chinook salmon spawn in the Feather River and juvenile fish are reared in the river. Feather River fall-run chinook salmon species also migrate to the Feather River Salmon and Steelhead Fish Hatchery for spawning and rearing purposes. Fall-run chinook salmon fry and yearling species reared at the hatchery were also annually planted in Oroville Reservoir for sportfishing purposes, however a disease problem at Oroville Reservoir may prevent the annually stocking of these fish until the disease problem is dealt with by the California Department of Fish and Game and CDWR.

Disclose in the proposed CEQA/NEPA the daily water temperature requirement to keep fall-run chinook salmon adult species in good condition at all times below the Fish Barrier Dam to the Highway 70 Bridge; between the Highway 70 Bridge directly above the Thermalito Afterbay Outlet; and between the Thermalito Afterbay Outlet to Gridley area.

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document the direct effects to Feather River fall-run chinook salmon species resulting from daily water temperatures provided by the operation of the Feather River Salmon and Steelhead Fish Hatchery for this federally listed species of salmon.

Feather River Salmon and Steelhead Fish Hatchery

The proposed CEQA/NEPA document must disclose the effects to chinook salmon and steelhead trout species resulting from the operation and management of the Feather River Salmon and Steelhead Fish Hatchery since the hatchery became operational. The proposed CEQA/NEPA document must also disclose the new extension to the Feather River Salmon and Steelhead Fish Hatchery, including disclosing the purpose of the extension of the hatchery.

The CEQA/NEPA document must also disclose how the Feather River Salmon and Steelhead Fish Hatchery will be operated and managed by the California Department of Fish and Game and also funded by CDWR in the short and long term under the new FERC license.

The CEQA and NEPA document must also disclose and describe the water supply to the Feather River Salmon and Steelhead Fish Hatchery, including any and all water quality problems associated with the water supply and the management of the hatchery.

Young salmon and steelhead trout fish that are reared at the hatchery are planted in other waterways. The CEQA/NEPA document must disclose the reasons and the number of Feather River salmon and steelhead trout fish planted in other waterways in the state for the past 20 years. Name the waterways, the juvenile fish planted, and reasons and purposes of planting Feather River fish into other foreign waterways.

Post Oroville Project Fishery Evaluation Study – California Department of Fish and Game – Mandatory Daily Riverflow Requirements

During the 1970s the California Department of Fish and Game conducted an eight (8) year study of the Oroville Project and the effects to chinook salmon. The study was named the Post Oroville Fishery Evaluation Study (Painter and Wixom). The study centered on chinook salmon species and their habitat, but not steelhead trout species and their habitat in the Feather River below the Fish Barrier Dam to near the Gridley area. The conclusion of the eight-year study was that the California Department Fish and Game recommended that CDWR should release a minimum flow of 1,000 cfs for part of the year. The CDWR and California of Fish and Game cut a deal and the riverflow requirement were kept at 400 cfs until the CDWR decided on constructing a small hydro plant at or above the Fish Barrier Dam and the flows were increased, but not at the levels recommended in the eight (8) year study.

Disclose and describe in the proposed CEQA/NEPA document the Post Oroville Project Fishery Study, the recommended daily flow requirements, and the reasons why CDWR did not comply to the flow requirements as determined by study.

Chinook Salmon and Steelhead Daily Riverflow Requirements

Disclose and evaluate the existing daily riverflow requirements for spring-run and fall-run chinook salmon species (all life stages) and steelhead trout (all life stages) in the Feather River below the Fish Barrier Dam to the Thermalito Afterbay Outlet.

Disclose and evaluate the existing daily riverflow requirements for spring-run and fall-run chinook salmon species (all life stages) and steelhead trout (all life stages) in the Feather River from the Thermalito Afterbay Outlet downstream.

Disclose and evaluate the significantly improved and new mandatory minimum river flow requirements recommended by the U.S. National Marine Fisheries Service for spring-run and fall-run chinook salmon species (all life stages) and steelhead trout (all life stages) in the Feather River below the Fish Barrier Dam to the Thermalito Afterbay Outlet; and also from the Thermalito Afterbay Outlet downstream.

Modifications of Oroville Facilities at Oroville

NCCFFF et al. recommend the following modifications to the Oroville Facilities at Oroville:

Thermalito Afterbay Reservoir and Thermalito Afterbay Outlet

Local farmers use water stored at the Thermalito Afterbay Reservoir for the irrigation of rice. Rice farmers need warm water for rice irrigation. The Thermalito Afterbay Outlet provides a majority of water (flows) into the Feather River from the Thermalito Afterbay Reservoir. The Feather River sustains federally listed and non-listed chinook salmon species and their habitat, and also sustains federally listed and threatened steelhead trout species and their habitat, and other cold water species. The anadromous fish species that exist annually in the Feather River below the Thermalito Afterbay Outlet need cold water to survive. Consequently, there is a conflict between warm water for the irrigation of rice and the necessary cold water to keep in good condition Feather River chinook salmon species and rainbow trout species pursuant to California Fish and Game Code 5937.

NCCFFF et al. believe there is a solution to this water temperature problem that must be disclosed and evaluated in the proposed CEQA and NEPA document as follows:

The Thermalito Afterbay Reservoir should be a closed reservoir system. By maintaining the Thermalito Afterbay Reservoir as a closed reservoir system, water stored at the reservoir would heat up during the rice growing season and benefit rice irrigation. Flows to maintain adequate and necessary water temperatures to keep in good condition federally listed anadromous fish as well as non-listed anadromous species would be released from the Thermalito Diversion Dam and allowed to flow down the Feather River. This modification would also provide significant habitat benefits and improvements for federally listed anadromous fish species as well as non-listed anadromous fish species in the “low flow area” (between the Fish Barrier Dam to the Thermalito Afterbay Outlet) of the Feather River as well as provide cold-water benefits and improvements to federally listed and non-listed anadromous fish.

Big Bend Dam – North Fork Feather River

The Big Bend Dam is located on the North Fork Arm of Oroville Reservoir. The dam separates the reservoir from the river. The dam was formerly part of PG&E’s Big Bend Project. Prior to the construction of Oroville Dam, anadromous fish (chinook salmon and steelhead trout species) were able to migrate upstream into the North Fork Feather River for spawning and rearing purposes using a fish ladder located at the dam. The fish ladder

at the dam has not been operational for many years. Salmonids that reside in Oroville Reservoir cannot migrate into the North Fork Feather River for spawning and rearing purposes. The public in the local area support the removal of the dam. Also, some people in the local area support a new state of the art fish ladder be constructed and maintained at the dam.

The proposed CEQA and NEPA document must disclose, evaluate, and mitigate the following:

Removal of the Big Bend Dam or the construction and maintenance of a state of the art fish ladder at the dam funded by CDWR.

Miocene Hydroelectric Project – West Branch Feather River

The Miocene Hydroelectric Project is owned and operated by PG&E and is located on the West Branch Feather River several miles upstream from Oroville Reservoir. A small amount of power is produced by PG&E via the Miocene Ditch. Also the City of Oroville uses some amount of water from the Miocene Ditch. The West Branch Feather River flows into Oroville Reservoir when the river is flowing above the needs of PG&E at their Miocene Ditch. During the summer and also during other monthly dry year conditions, there are no normal streamflows in the West Branch and simply seepage from the Miocene Dam flowing down the West Branch. There are no mandatory daily minimum streamflow requirements ordered by FERC and the State of California from the Miocene Dam to protect trout and other aquatic species and their habitat in the several miles of dewatered stream.

There is an opportunity as mitigation for the relicensing of the Oroville Facilities at Oroville for the CDWR to purchase the Miocene Project from PG&E and manage the streamflows of the West Branch Feather River to benefit the environment and fisheries of the river as well as provide water to the City of Oroville. Water flowing down the river should benefit salmonids in Oroville Reservoir and provide cold water for habitat purposes. The management of water from the West Branch Feather River could also provide water to the lower Paradise area using Kinkle Forebay. Kinkle Forebay is a very small reservoir (pond) that provides water and the “head” for PG&E small hydro powerplants. Also, there is a small public school located along lower Pentz Road that is in need of water. CDWR could develop a water management plan that would provide water and benefits to the small public school.

The proposed CEQA and NEPA document should disclose and evaluate the purchasing of the Miocene Project by CDWR and the management of the state’s water from the West Branch Feather River by CDWR that would provide significant benefits to the public in the local area as well as to the environment of the West Branch Feather River in the local area.

Rainbow Trout Hatchery Mitigation Project

The Feather River Watershed above Oroville Dam sustains rainbow trout species and also prior to the construction of Oroville Dam. Rainbow trout species planted in Oroville Reservoir from other fish hatcheries in the state have had very poor results in Oroville Reservoir. Most likely the effects to these foreign rainbow trout at Oroville Reservoir is a disease in the sediment being discharged into the reservoir from tributary sources. For many years the California Department of Fish and Game stopped planting rainbow trout in Oroville Reservoir because of the disease problem. However, it would be reasonable to assume that the CDWR never mitigated for resident rainbow trout affected by the construction and operations of the project.

The construction and maintenance of the small hatchery adjacent to Oroville Reservoir using the gene pool (brood stock) of rainbow trout that presently exist in the Feather River Watershed and planting these rainbow trout species in Oroville Reservoir most likely would be success in developing a rainbow trout fishery in Oroville Reservoir.

CDWR should disclose and evaluate in the proposed CEQA and NEPA document the feasibility of constructing and maintaining a small hatchery solely raising Feather River rainbow trout for planting in Oroville Reservoir in an effort to develop a rainbow trout fishery in the reservoir for the purpose of sportfishing.

Fish Screens Mitigation Project

The powerhouses at the Oroville Facility of the State Water Project are not screened to prevent the entrainment and harm to public trust fish species that are public trust assets. The people of the State of California own the fish species entrained at the powerhouses, and CDWR and FERC do not have discretion to harm and giveaway public trust assets.

FERC rarely orders fish screens be constructed and maintained by hydropower licenses at hydropower projects in California because of the costs to construction the fish screening devices. FERC has a bias against fish screens regardless of the losses to public trust assets.

Numerous fish screens have been constructed in the Sacramento River to prevent the entrainment and harm to listed and non-listed chinook salmon species and also listed steelhead species. The State Pumps are not screened to prevent the entrainment and harm to listed and non-listed chinook salmon, listed threatened steelhead trout species, and other fish species.

The NCFFF et al. are requesting that the powerhouses at the Oroville Facility of the State Water Project must be screened with state of the art fish screens to prevent the entrainment and harm to public trust fish species.

Lake Davis - Eastern Plumas County

Lake Davis is part of the whole project. DWR constructed and operates Lake Davis for fish and wildlife benefits and also for public recreational benefits. The general public recreate at Lake Davis significantly for the purpose of sportfishing. Sportfishing at Lake Davis provides an economic benefit to the local area of the City of Portola. The issue regarding Northern Pike being planted in Lake Davis illegally was reported by major newspapers and television networks throughout the United States. Lake Davis is a very high profile lake.

While CDWR has a duty and responsibility to protect and improve public recreation opportunities and benefits at Oroville Reservoir, CDWR equally has a duty and responsibility to protect and improve public recreation opportunities and benefits at Lake Davis.

There are significantly needed public recreation improvements that should be made at Lake Davis for public recreational purposes that is the purpose of the whole project.

The NCCFF et al. recommend that the following recreational improvements that are funded by CDWR for Davis Lake and must be disclosed, evaluated, and mitigated in the proposed CEQA and NEPA document:

1. Improve the public boat launching facility at the Honker Cove Boating Launching Facility. The recommended improvement is that the existing boat launch facility should be expanded from two lanes (auto and boat trailers) to four (4) launching lanes. Also, dredge the boat launching lagoon area to accommodate the boats at the facility. The public extensively uses the boat launching facility during low water years (low reservoir levels) because the public cannot use the Lighting Tree Boat Launch Ramp. Also, the parking area at the Honker Cove Launching Facility should be expanded to accommodate more autos and boat trailers.
2. Improve the boat launching facility at Lighting Tree Boat Launching Facility. The ramp is useless to the public during low water conditions (low reservoir levels) and cannot be used by the public. The recommended improvement is that CDWR dredge the Lighting Tree Boat Launching lagoon area and the channel to Lake Davis so that the public can use their boats to access Lake Davis for the purposes of sportfishing.
3. Improve public auto access to the Camp 5 Boat Launching Facility from the main paved road to Lake Davis. The unpaved-dirt road to the Camp 5 Boat Launching Facility tears up boat trailers and autos. Pave the road to the Camp 5 Boat Launching Facility, and maintain the paved road for the life of the whole project.
4. Improve public auto access to the Camp 5 Boat Launching Ramp from the unpaved-dirt road. This portion of the roadway is paved, but only allows for one-way traffic. Improve the access road to the launching ramp for two way traffic.

5. Disclose in the proposed CEQA/NEPA document the amount of money annually paid by CDWR for public recreational facilities (improvements – maintenance) at Lake Davis.

6. Disclose in the proposed CEQA/NEPA document any agreements between CDWR and the U.S. Forest Service for public recreation facilities at Lake Davis.

Frenchman Reservoir – Eastern Plumas County

Frenchman Reservoir is part of the whole project. Disclose, evaluate, and mitigate the conflict between water skiers and power watercrafts (PWC) and public fishing at Frenchman Reservoir. CDWR as the owner and operator of the dam and reservoir must resolve the conflict by requiring water skiing and PWC only in the southern portion of the reservoir so that public fishing is not adversely affected by water skiing and PWC traffic in the northern portion of the reservoir.

Thermalito Afterbay Reservoir Pumps

There are a significant number of pumps located adjacent to the Thermalito Afterbay Reservoir along Highway 99. These pumps were constructed and are maintained by CDWR. The pumps are part of the Oroville Facilities at Oroville. The pumps were constructed to pump seepage resulting from the Thermalito Afterbay Reservoir. It is the understanding of NCCFF et al. that the pumps divert about 50,000 to 100,000 acre-feet of the state's water back into the Thermalito Afterbay Reservoir and the water is used for project purposes such as meeting downstream water contracts and other purposes. The pumps may also be diverting either valuable groundwater in the local and/or the pumps may be diverting the underflow of the river as modified by the project. Diverting the underflow of the river requires a water right permit from the State Water Resources Control Board (SWRCB).

Disclose, evaluate and study in the proposed CEQA/NEPA document the direct and cumulative effects to local groundwater in the local area. i.e. groundwater levels during all water year types

Disclose whether CDWR has a water right permit issued from the SWRCB to divert the underflow of the Feather River for project purposes. Cite the season of diversion, the season of storage, the amount of water diverted, the amount of water stored, the places of use, and the purposes of use, including the water right permit and application numbers. Disclose the history of the pumps in the proposed CEQA and NEPA document.

Disclose the amount of water diverted, stored, and used monthly and annually from said pumps. Cite the places of use and the purposes of use.

Area of Origin Water Rights – Butte and Plumas Counties – Other Areas

There are area of origin water rights that most likely have been affected and harmed by the construction and operation of the Oroville Facilities at Oroville.

Disclose in the proposed CEQA and NEPA document water right applications filed by the State Water Resources Control Board to protect area of origin rights in Plumas and Butte counties. Cite the following: The dates the applications were filed; the amount of water reserved by the applications; the locations and waterways where the applications apply; and the effects to the applications resulting from the storage and uses of the state's water for project purposes.

There are areas of origin water rights in the downstream areas of the Feather River, Sacramento River, and the Bay Delta Estuary affected by the diversion of water in the South Delta by CDWR.

Disclose in the proposed CEQA and NEPA document water right applications filed by the State Water Resources Control Board to protect area of origin rights in the downstream areas affected by diverting water at the State Pumps in the South Delta. Cite the following: The dates the applications were filed; the amount of water reserved by the applications; the locations and waterways where the applications apply; and the effects to the applications resulting from the storage and used of water for project purposes at the State Pumps.

Hyatt Powerplant

The turbines at the Hyatt Powerplant need to be evaluated to improve the efficiency of power production. The proposed CEQA and NEPA document must disclose and evaluate improving the efficiency of the turbines at the Hyatt Powerplant with state of the art turbines to increase power production.

Power Production

The proposed CEQA and NEPA document must disclose the amount of power generated Daily, monthly and annually at the Oroville Facilities at Oroville since the project became operational. The requested disclosure must include the amount of money received monthly and annually by CDWR for the sale of said power generated at the Oroville Facilities at Oroville. The requested disclosure must include a detailed analysis that clearly shows how CDWR managed and spend the money received from the sale of power generated at the Oroville Facilities at Oroville.

Agreements Between CDWR and Other Parties

Disclose in the proposed CEQA and NEPA document all agreements that affect the inflow into Oroville Reservoir and outflow from Oroville Reservoir. Disclose, evaluate, and mitigate the cumulative effects to lake levels at Oroville Reservoir resulting from the

specific amount of water affecting inflow and outflow from Oroville Reservoir and the resulting cumulative effects to lake levels at Oroville Reservoir.

Disclose in the proposed CEQA and NEPA document all agreements and parties that use water diverted by the State Pumps in the South Delta. Disclose, evaluate, and mitigate the cumulative effects to the Bay Delta Estuary (water quantity and water quality) resulting from the specific amount of water affecting the inflow and outflow from Oroville Reservoir and the resulting cumulative effects to the Bay Delta Estuary.

Lake Levels – Oroville Reservoir

The general public significantly recreate at Oroville Reservoir for public recreation. Recreational development at Oroville Reservoir has been highly controversial in the Oroville area. We cite monthly meetings held by the Oroville Recreation Advisory Committee that was established by FERC. It is the understanding of the NCCFF et al. that FERC never ordered mandatory minimum lake levels at the reservoir to protect public recreational activities. Without mandatory minimum lake levels at the reservoir ordered by FERC in the new license, CDWR could manage the lake levels at their discretion without any consideration for public recreation at the reservoir. Public recreation at Oroville Reservoir is directly and cumulatively connected with the local economy of the Oroville area.

Disclose, evaluate, study, and migrate in the proposed CEQA and NEPA document the direct, indirect, and cumulative effects to lake levels and public recreation from management of the lake by CDWR at Oroville Reservoir.

Disclose in the proposed CEQA and NEPA document the recommended mandatory minimum lake levels at Oroville Reservoir to protect public recreation at the reservoir during all water year types.

Disclose, evaluate, study, and migrate in the proposed CEQA and NEPA document the direct, indirect, and cumulative effects to the local economy in the Oroville area resulting from the management of lake levels at Oroville Reservoir by CDWR.

Water Rights – California Department of Water Resources

Disclose in the proposed CEQA and NEPA document all water right permits and licenses issued to the CDWR by the SWRCB for the storage, diversion, direct diversion, rediversion, and use of water for the whole project. Cite and disclose the following: The season of storage; the storage rights; the diversion rights; the direct diversion rights, the rediversion rights; the places of use; and the purposes of use.

Water Quality Certification – State Water Resources Control Board

CDWR has the responsibility to protect the beneficial uses of the state's water. The State Water Resources Control Board has the duty and responsibility under Section 401 of the

federal Clean Water Act of protecting the beneficial uses of the state's water. Disclose and evaluate in the proposed CEQA and NEPA document the Water Quality Certification recommendations and requirements by the State Water Resources Control Board.

Sportfishing Fisheries Management Plan for Oroville Reservoir

A sportfishing fisheries management plan for Oroville Reservoir has been on going for a number of years. This matter is before FERC at this time. However, a disease has affected the cold-water fishery of the reservoir with resulting effects to the management plan. Consequently, CDWR must prepare an amended new sportfishing fisheries management plan for the reservoir that mitigates for the disease problem and also provides for an adequate cold-water fishery for sportfishing purposes in Oroville Reservoir for the life of the project.

Disclose and evaluate in the proposed CEQA and NEPA document the amended and new sportfishing fisheries management plan for the cold-water fishery of Oroville Reservoir.

Oroville Wildlife Area (aka Borrows Area)

The Oroville Wildlife Area was formerly known as the Borrows Area. Private landowners formerly owned the land in the Borrows area. CDWR condemned the lands so that CDWR could use the rock material to construct Oroville Dam. The land in the Borrows Area following construction activities was renamed the Oroville Wildlife Area and turned over to California Department of Fish and Game for management purposes. Essentially the funding for the California Department of Fish and Game to manage the Oroville Wildlife Area most likely come from angler and hunter license fees and other public funding. Anglers use the Oroville Wildlife Area for the purpose of fishing the river, and also the public use the area for other public recreational opportunity. NCCFFF et al. believe that the CDWR has a duty and responsibility to fund the management of the Oroville Wildlife Area for the life of the project as a result of the relicensing process. NCCFFF et al. also believe that there must be improvements to the Oroville Wildlife Area to provide public benefits and benefits to fish and wildlife resources funded solely by CDWR as a result of the relicensing process.

Disclose and evaluate in the proposed CEQA and NEPA document how the Oroville Wildlife Area is specifically managed by the California Department of Fish and Game. Cite the budget and the staff persons that manage the area. Cite the public uses of the area and the number of people that use the area for various public recreational opportunities and benefits such as fishing. Cite wildlife habitat in the area.

The proposed CEQA and NEPA document must disclose, evaluate and mitigate the following:

Disclose and evaluate the construction and maintenance of public boat launching ramp facilities and associated public parking along the river. The construction and maintenance of said facilities must be funded by CDWR for the life of the project.

Disclose and evaluate public restroom facilities along the river and wildlife area (state of the arts – ladies, men, and the handicapped). The construction and maintenance of said restroom facilities must be funded by CDWR for the life of the project.

Disclose and evaluate new and improved parking facilities for the public along the river. The construction and maintenance of said parking facilities must be funded by CDWR for the life of the project.

Cite fish and wildlife habitat improvement projects in the Oroville Wildlife area. All habitat improvement projects must be funded by CDWR for the life of the project.

The management and maintenance of the Oroville Wildlife Area must be funded by CDWR for the life of the project. Cite existing management goals and objectives. Cite proposed improved management goals and objectives.

Sediment – North Fork Arm of Oroville Reservoir

Sediment from upstream sources is discharged into the North Fork Arm of Oroville Reservoir. A significant amount of the bottom area in the North Fork Arm has been covered by sediment. Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document the cumulative effects to storage and also the cumulative effects to fish and other aquatic species and their habitat, including water quality, resulting from upstream sediment sources in the North Fork Arm of Oroville Reservoir. Cite the specific amount sediment in the North Fork Arm of the reservoir.

Sediment – West Branch Arm of Oroville Reservoir

Sediment from upstream sources is discharged into the West Branch Arm of Oroville Reservoir. A significant amount of bottom area in the West Branch Arm has been covered by sediment. Disclose, evaluate, and mitigate the cumulative effects to storage and also the cumulative effects to fish and other aquatic species and their habitat in the North Fork Arm of Oroville Reservoir.

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document the cumulative effects to storage and also the cumulative effects to fish and other aquatic species and their habitat, including water quality, resulting from upstream sediment sources in the West Branch Arm of Oroville Reservoir. Cite the specific amount sediment in the West Branch Arm of the reservoir.

Public Recreation Facilities – Oroville Reservoir – Thermalito Forebay Reservoir – Thermalito Afterbay Reservoir – Oroville Wildlife Area

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document all public recreation facilities along Oroville Reservoir. Disclose all existing and proposed improvements to public recreation facilities by CDWR. Disclose any and all agreements between CDWR and California Department of Parks and Recreation related to the

construction and maintenance of said public recreation facilities along Oroville Reservoir.

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document all public recreation facilities along the Thermalito Forebay Reservoir. Disclose all existing and proposed improvements to public recreation facilities by CDWR. Disclose any and all agreements between CDWR and California Department of Parks and Recreation related to the construction and maintenance of said public recreation facilities along the Thermalito Forebay Reservoir.

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document all public recreation facilities along the Thermalito Afterbay Reservoir. Disclose all existing and proposed improvements to public recreation facilities by CDWR. Disclose any and all agreements between CDWR and California Department of Parks and Recreation related to the construction and maintenance of said public recreation facilities along the Thermalito Afterbay Reservoir.

Disclose, evaluate, and mitigate in the proposed CEQA/NEPA document all public recreation facilities in the Oroville Wildlife area and along the Feather River. Disclose all existing and proposed improvements to public recreation facilities by CDWR. Disclose any and all agreements between CDWR and California Department of Fish and Game related to the construction and maintenance of said public recreation facilities in the Oroville Wildlife Area and along the Feather River.

Lower Yuba River Water Transfers

The state's water from New Bullards Bar Reservoir has been transferred and sold by the Yuba County Water Agency et al. Flows from New Bullards Bar Reservoir affects listed and non-listed Lower Yuba River threatened spring-run chinook salmon, fall-run chinook salmon, and threatened steelhead trout.

Disclose and evaluate in the proposed CEQA/NEPA document the specific methodology that CDWR uses to manage the daily flows in the Feather River and also flows flowing into the Bay Delta Estuary from Oroville Reservoir when Lower Yuba River is being transferred.

Lake Almanor Water

PG&E and CDWR have an agreement and water is transferred annually from Lake Almanor to Oroville Reservoir via PG&E powerhouses in the North Fork Feather River watershed.

Disclose, evaluate and mitigate the cumulative effects to lake levels at Lake Almanor and the resulting cumulative effects to the human environment of Lake Almanor when water is transferred to Oroville Reservoir from Lake Almanor during all water year types.

Disclose, evaluate and mitigate the cumulative effects to the public trust resources of the river environment of the North Fork Feather River when water is transferred from Lake Almanor to Oroville Reservoir by PG&E during all water year types.

Hydrology

Disclose and include in the proposed CEQA and NEPA document hydrology records for the uses of the state's water at Oroville Reservoir and also the uses of the state's water at the State Pumps and the California Aqueduct since the project became operational.

Resource Issue List

Contained in the NEPA Scoping Document 1 and CEQA Notice of Preparation is a list of resource issues. The list was developed by a Plenary Group and Work Group (ALP Process), and also with public input. It is the understanding of NCCFFF et al. that the state and federal agency staff people were not happy about public input from the general public in the Oroville area. However, public participation is very important and is the heart of the CEQA and NEPA scoping process.

The Resources Issue List shown in Appendix B must be refined specifically as follows:

Under "Consolidated Issues List" on "effects" from page B-1 to B-60. NCCFFF et al. request that "effects" as shown in Appendix B must be expanded to include "cumulative effects". CEQA and NEPA require that cumulative effects are disclosed and analyzed. CEQA requires that "cumulative effects be mitigated. Disclose, evaluate and mitigate the cumulative effects to all of the issues shown in Appendix B.

California Environmental Quality and Its Guidelines

The proposed CEQA and NEPA document must comply fully with the California Environmental Quality Act and Its Guidelines.

U.S. Forest Service – Section 4(e) of the Federal Power Act Conditions

All section 4(e) conditions submitted to FERC by the U.S. Forest Service must be supported by substantial evidence in the CEQA/ NEPA document with full public disclosure and full public participation. All section 4(e) conditions submitted to FERC by the U.S. Forest Service must be in full compliance with the Forest Land and Resources Management Plan for the Plumas National Forest.

U.S. Forest Service Responsibility and Authority – FERC Licensing and Relicensing Process - Section 4(e) of the Federal Power Act

The U.S. Forest Service has Section 4(e) of the Federal Power Act authority to require terms and conditions in the FERC license for this project to protect federal lands in the FERC license for the relicensing of this project. The Plumas National Forest has

developed a land and resource management plan that includes the Oroville Facilities at Oroville project area in the Oroville Reservoir area. Some of the areas identified by the Plumas National Forest are known as the “Galen Management Area 4” and also the “Kellogg Management Area 8” shown in said management plan. That Forest Plan was prepared and finalized with significant public input. The proposed CEQA and NEPA document must be in compliance with the provisions of the Plumas National Forest Land and Resource Management Plan of 1988.

Disclose and evaluate the preliminary section 4(e) conditions by the U.S. Forest Service (Plumas National Forest) in the proposed CEQA and NEPA document. Mitigate the direct, indirect, and cumulative effects to the human environment resulting from the U.S. Forest Service preliminary section 4(e) conditions.

Disclose and evaluate the final section 4(e) conditions by the U.S. Forest Service (Plumas National Forest) in the proposed CEQA and NEPA document. Mitigate the direct, indirect, and cumulative effects to the human environment resulting from the U.S. Forest Service final section 4(e) conditions.

Collaborative Process - Settlement Agreement

CDWR stated that:

“DWR is committed to supporting the collaborative process in seeking lasting agreements to major issues related to relicensing the Oroville Facilities that are acceptable to as many of the Participants as possible. However, DWR is required to file an application to relicense the Oroville Facilities with FERC no later than January 31, 2005. A dedicated effort by all Participants is required to produce a settlement agreement by the required filing date.” –

“Participants.” – “Participants are a subset on Interested Parties who have chosen to be actively involved in the relicensing process, both with respect to the development of credible scientific information relevant to decisions that need to be made in the relicensing process and in the development of a settlement agreement. This will occur through participation at Plenary Group, Work Group, and Task Force meetings, working to collaboratively develop solutions, providing written comments, or otherwise providing input.” We reference Page A-13 Under Involved Parties and also Under Roles, Decision Making, and Solution of Issues; NEPA Scoping Document 1 and CEQA Notice of Preparation; Oroville Facilities Relicensing; FERC Project No. 2100; Department of Water Resources; June 11, 2001; Draft.

1. Any Settlement Agreement reached by CDWR, state and federal agencies, and other Participants with respect to the whole project must strictly follow the law and be in full compliance with applicable state and federal statutes and regulations.

2. The terms and conditions of any Settlement Agreement for the relicensing of the whole project must be supported by substantial evidence in the records and the records must be made available to the general public.

3. The terms and conditions of any Settlement Agreement must be supported by substantial environmental evidence in the records and must be based on an environmental document for the Draft Settlement Agreement pursuant to CEQA and its Guidelines, and also pursuant to the provisions of NEPA.

4. The relicensing process for the whole project must satisfy the due process rights of the general public, and regardless whether the general public is considered “Participants” or not, CDWR must honor the due process of the general public and provide them with full public disclosure and allow for full public participation.

5. All material related to the collaborative process and settlement agreement meetings must be made available to the general public and become part of the records. Also, minutes of all collaborative process and settlement agreement meetings must be taken to satisfy the due process rights of the general public. No secret meetings should be held and all meetings should be open to the general public.

6. Minutes of all “Consulting Team” meetings and material developed by the Consulting Team must be part of the record and available to the general public.

7. The general public does not necessarily need to be a member of the Plenary Group, Work Group, or Task Force to take part in the process for the simple reason that the general public own the public trust resources affected by the whole project.

8. All material and records related to the collaborative and settlement agreement processes must be public information and not held confidential by CDWR and FERC to satisfy the due process rights of the general public who own the public trust resources affected by the whole project.

9. CDWR states that it is required to file a application to relicense the Oroville Facilities with FERC no later than January 31, 2005, and that a dedicated effort by all Participants is required to produce a settlement agreement by the required filing date.

Regardless of the timeframe set by FERC for CDWR to file a relicense application with FERC, CDWR has a duty and responsibility to follow the law and prepare the necessary CEQA and NEPA document(s) containing substantial evidence that fully supports the terms and conditions of any settlement agreement with public full participation and full public disclosure.

Request For Notification by NCCFFF et al.

Please place the following persons representing NCCFFF et al. on the mailing list for all CEQA and NEPA documents and also documents related to this environmental

relicensing process. Also forward copies of all studies that are related to the above comments and also the CEQA and NEPA document to the following persons:

Mr. Nathan Joyner, President
Northern California Council Federation Fly Fishers
115 Wellfleet Court
Folsom, CA 95630

Mr. Rob Ferroggiaro, Vice President of Conservation
Northern California Council
Federation of Fly Fishers
9270 Oak Leaf Way
Granite Bay, CA 95746

Dr. Mike Fitzwater
Fall River Wild Trout Foundation
16862 Pasquale Road
Nevada City, CA 95959

Mr. Bob Baiocchi, Consultant and Agent
NCCFFF et al.
P.O. Box 1790
Graeagle, CA 96103

NCCFFF et al. will submit written comments when we receive copies of the draft CEQA and NEPA document. Forward timely copies of said draft CEQA/NEPA document

Place the written comments of the NCCFFF et al. as shown above into the records for the CEQA and NEPA proceedings.

Respectfully Submitted

Signed by Bob Baiocchi

Robert J. Baiocchi, Consultant
For: NCCFFF et al.
P.O. Box 1790
Graeagle, CA 96103

Dated: July 16, 2001

Enclosure – Exhibit “A” – State Water Project (All Parties)

Service List

Mr. Rick Ramirez, Responsible Agent
Executive Division
California Department of Water Resources
1416 Ninth Street
P.O. Box 942836
Sacramento, CA 94236-0001
(Original and 2 Copies)

Mr. James Fargo, Responsible Agent
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
(3 Copies)

Mr. Nathan Joyner, President
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115 Wellfleet Court
Folsom, CA 95630

Mr. Rob Ferroggiaro, Vice President of Conservation
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9270 Oak Leaf Way
Granite Bay, CA 95746

Dr. Mike Fitzwater
Fall River Wild Trout Foundation
16862 Pasquale Road
Nevada City, CA 95959

Mr. Jim Bybee, Supervisor
Santa Rosa Office
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777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

Mr. Steve Edmondson, Fisheries Biologist
Santa Rosa Office
U.S. National Marine Fisheries Service
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Santa Rosa, CA 95404

Mr. Michael C. Aceituno
Sacramento Office
U.S. National Marine Fisheries Service
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Sacramento, CA 95814-4706

Mr. Robert Hight, Director
California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

Mr. Banky Curtis, Regional Manager
California Department of Fish and Game
1701 Nimbus Road
Rancho Cordova, CA 95670

Mr. Wayne White, State Supervisor
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Interested Parties (Statewide - By E-Mail)